REMARKS

This amendment is in response to the Office Action mailed on April 1, 2009. Claims 1, 3-7, 10-17, 20-21, 23-25, and 27-39 were pending. By this amendment, claims 1, 3, 13-15, 21, 25, 28, 30, 34-35, and 39 are amended, claim 7 is canceled, and new Claim 40 is presented. No new matter is added. Reconsideration and withdrawal of the rejections are respectfully requested in view of the following remarks.

It is noted that all differences between the cited reference(s) and each claim may not necessarily be recited herein. This is not an admission on the part of the Applicant that Applicant concurs with the Examiner's assertions regarding the patentability of said claims over the cited reference(s). Applicant, in some cases, may simply choose to highlight particular differences between the claims and the reference(s). Such differences may render any differences not explicitly addressed moot.

1. Summry of the telephonic interview

Applicant thanks Examiner Susan Rayyan for the courtesy of a telephonic interview on June 11, 2009. Henry Gabryjelski, Reg. No. 62,828 and Bryan Webster, Reg. No. 47,217 were present for the Applicant, and Examiner Rayyan was present for the USPTO.

The rejection of Claims 7, 13, and 28 were discussed.

In discussing Claim 7, Applicant indicated that the predetermined time delay recited in Claim 7 must occur prior to detecting the defined query related

character pattern. Agreement was reached that this feature was not taught by the present references.

In discussing Claim 13, Applicant indicated that the predetermined time delay recited in Claim13 must occur prior to detecting the query defining word. Agreement was reached that this feature was not taught by the present references.

In discussing Claim 28, Applicant indicated that the semi-transparent query refinement option list is described in the original application at the bottom of page 13. Agreement was reached that this feature was not taught by the present references.

No agreement was reached as to patentability of the discussed claims.

Applicant thanks the Examiner for the courtesies extended to him throughout the call.

2. Objection to the specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In objecting to the specification, the Office Action referenced 37 CFR 1.75(d)(1) and MPEP § 608.01(o), and states "The amended claims include a substituted term 'query replacement option'. ... The previous term 'query refinement option' was found throughout the specification". Office Action, page 2.

Applicant respectfully disagrees that the meaning of the term "query replacement option" is not clear from the specification. However, in the interest of furthering prosecution to allowance, Applicant has reverted to the term

"query refinement option", and indicated that the query refinement option replaces the query when selected by the user in relevant claims. No new matter is added. See, for example, the last three lines of page 9 of the originally filed specification. Accordingly, this objection should be withdrawn.

3. Summary of art cited in the Office Action

The Office Action cites US Patent Number 6,564,213 to Ruben E. Ortega et al (hereingafter Ortega), US Patent Publication 2004/0143564 to William Gross et al (hereinafter Gross), US Patent Number 6,947,930 to Peter G. Anick (hereinafter Anick), US Patent Publication 2006/0112178 to Taylor N. Van Vleet (hereinafter Van Vleet), US Patent Number 6,006,225 to Dwayne E. Bowman et al (hereinafter Bowman), US Patent Publication 2006/0129915 to Ning-Ping Chan (hereinafter Chan), US Patent Publication 2003/0182463 to Jeffrey W. Valk (hereinafter Valk), and US Patent Publication 2003/0225756 to Songqiao Liu (hereinafter Liu).

Ortega discloses a system for facilitating online searches that suggests query autocompletion strings to users during the query entry process. Ortega, Abstract.

Gross discloses incremental searches occurring substantially immediately after each character in a search string is entered by a user. Gross, paragraph 0010.

Anick discloses a panel comprising terms to focus or replace an existing search including terms that do not begin with the query. Anick, Figure 2.

Van Vleet discloses a system that stores an event history reflective of events that occur during browsing sessions of web site users, and various application features that may be implemented using the stored event data. Van Vleet, Abstract.

Bowman discloses a search engine using historical query submissions and item selections to rank query results for presentation to the user. Bowman, column 7, lines 45-49.

Chan discloses a website providing a user (searcher) with means to enter a query in a selected subject language and returning to the user the search results highlighted with blinking annotation callouts. Chan, paragraph [0054].

Valk discloses a method of providing a software application over the internet to a client via a web browser. Valk, Abstract. Valk further discloses limiting the amount of data provided to the client based on the connection speed or bandwidth available between the user's system and the remote system server. Valk, paragraph 0059.

Lui discloses retrieving additional terms related to the term of interest and combining the selected term and the related terms for formulating a search query. Lui, Abstract.

4. Rejection of Claim 28 under 35 USC 112 first paragraph

Claim 28 stands rejected under 35 USC 112 first paragraph as failing to comply with the written description requirement. In rejecting Claim 28, the Office Action states, "Examiner was unable to locate a written description of a

query replacement option list is semi-transparent. Examiner has interpreted as a query replacement list". Office Action, page 3.

The specification discloses, "In one embodiment, the query refinement option list 111 is semi-transparent. This allows the portion of the user interface 'behind' the refinement option list to be viewed by the user even when the query refinement option list 111 is present." Specification, page 13, last paragraph. The specification therefore recites a written description of a query refinement option list is semi-transparent.

Accordingly, the rejection of claim 28 should be withdrawn.

5. Rejection of Independent Claim 1 under 35 USC 103(a)

Claim 1 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross and in further view of Anick.

Claim 1 recites a method of incrementally refining queries and updating query results without requiring a user to provide an explicit indicator of query submission, comprising (1) "*defining one or more query related character patterns that do not include an explicit indicator of query submission, wherein at least one of the one or more query related character patterns is a string of characters followed by a predetermined time delay before additional characters are entered*', (2) "*monitoring entry of query defining characters by a user to detect entry of a defined query related character pattern*", (3) "*providing the user with one or more suggested query refinement options each time a defined query related character pattern is detected without requiring the user to provide the explicit indicator of query submission, the one or more suggested query*

refinement options including a broadening suggestion, at least one of the one or more suggested query refinement options (a) beginning with a character pattern other than the query related character pattern, and (b) replace the query related character pattern when selected by the user", and (4) "*providing the user with an updated query result each time a defined query related character pattern is detected without requiring the user to provide the explicit indicator of query submission*".

In rejecting Claim 7 (features of which are now present in Claim 1), the Office Action states that Ortega teaches, "wherein one query related character pattern is a string of characters followed by a predefined time delay before additional characters are entered (column 2, lines 20-25)". Office Action, page 7.

As disclosed in Ortega,

> The datasets are preferably generated so as to favor the items and/or search strings that are currently the most popular. For example, if Pokemon toys are currently the best selling or most-frequently-searched-for items within the database, the term POKEMON may be suggested whenever a user enters the letters "PO," even though many hundreds of other items in the database may start with "PO."

Ortega, column 2, lines 20-26.

Based on the above, it seems the Office Action is equating the "*at least one of the one or more query related character patterns is a string of characters followed by a predetermined time delay before additional characters are entered*" as recited in Claim 1 with the processing, network, and hardware delays (even at the sub-nanosecond level, such as those inherent in any

computerized process) before the user perceives the options as disclosed by Ortega. Applicant respectfully disagrees.

Claim 1 recites, *inter alia*, that a "*a ... query related character pattern[] is a string of characters followed by a predetermined time delay before additional characters are entered; ... providing ... query refinement options ... [when] a query related character pattern is detected*". The providing of the query refinement options is thus predicated upon the query related character pattern being detected. The detection of the query related character pattern includes detection of a predefined time delay. Therefore, the predetermined time delay must occur prior to the determination that the characters entered are a query related character pattern.

Ortega is, at best, silent about a predetermined time delay occurring, and this feature is not inherent in the method disclosed by Ortega. Therefore, Ortega fails to teach or suggest at least this feature of Claim 1.

Because the deficiencies of Ortega are not cured by the addition of any of the cited references, alone or in combination, the references fail to teach or suggest each of the elements of Independent Claim 1. Accordingly, the rejection of Claim 1 should be withdrawn.

Claims 3-6, 10-11, 33, and 38-39 depend from Claim 1, and are allowable at least by virtue of this dependency. Accordingly, the rejection of these claims should also be withdrawn.

6. Rejection of Independent Claim 12 under 35 USC 103(a)

Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross and in further view of Anick. In rejection Claim 12, the Office Action states in full, "Claim 12 is rejected based on the same rationale as Claim 1". Office Action, page 6. Accordingly, the rejection of Claim 12 should be withdrawn for at least the same rationale as the response to the rejection of Claim 1.

7. Rejection of Independent Claim 13 under 35 USC 103(a)

Claim 13 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross and in further view of Anick.

Claim 13 recites a method of incrementally refining queries and updating query results without requiring a user to provide an explicit indicator of query submission, comprising (1) "*providing a user with one or more query refinement options as the user enters query defining characters*", (2) "*detecting entry of a query defining word by the user without requiring the user to provide the explicit indicator of query submission*", and (3) "*providing the user with an updated query result each time entry of a query defining word is detected without requiring the user to provide the explicit indicator of query submission, wherein the query defining word includes a string of characters followed by a predetermined time delay before additional characters are entered by the user*".

In rejecting Claim 13, the Office Action states:

> Ortega **does not explicitly teach** providing the user with an updated query results each time entry of a query defining word is detected without requiring the user to provide the explicit indicator of the query submission and wherein the query defining word includes a string of characters followed by **a predefined time delay** before additional characters are entered by the user. Gross does teach this limitation (paragraph 10, lines 6-11, as **immediately** after each character in a search string is entered by the user the user receives **immediate** feedback and paragraph 13, lines 4-14) to provide **immediate** feedback and so can decide on the desirability of entering additional search characters.
>
> Office Action, pages 7-8. Emphasis Added

Based on the above, it seems the Office Action is equating "*the query defining word includes a string of characters followed by a predetermined time delay before additional characters are entered by the user*" as recited in Claim 13 with the immediate feedback disclosed in Gross. Applicant respectfully disagrees.

Claim 13 recites, inter alia, that a "*query defining word includes a string of characters followed by a predetermined time delay before additional characters are entered*" and "*providing the user with an updated query result each time entry of a query defining word is detected*". The providing of the updated query result is thus predicated upon the query defining word being detected. The detection of the query defining word includes detection of a predefined time delay. Therefore, predetermined time delay must occur prior to the determination that the characters entered are a query defining word.

In contrast, Gross discloses, "the search results are provided or narrowed substantially **immediately** after each character in a search string is entered by a

user. Thus, the user is provided with **substantially immediate** feedback as the search string is being entered ...." Gross, Paragraph [0010], emphasis added. For a **predetermined time delay** to exist, there must be a **delay in time**, and that delay must be **predetermined** in some manner. Gross is, at best, therefore silent as to a predetermined time delay, and at least this feature of Claim 13 is not inherent in Gross. Therefore, Gross fails to teach or suggest at least this feature of Claim 13

Because the deficiencies from Ortega and Gross discussed above are not cured by the addition of any of the cited references, the references fail to teach or suggest each of the elements of Independent Claim 13. Accordingly, the rejection of Claim 13 should be withdrawn.

Claims 14-17, 34, and 40 depend from Claim 13, and are allowable at least by virtue of this dependency. Accordingly, the rejection of these claims should also be withdrawn.

8. Rejection of Independent Claim 20 under 35 USC 103(a)

Claim 20 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross and in further view of Anick. In rejection Claim 20, the Office Action states in full, "Claim 20 is rejected based on the same rationale as Claim 13". Accordingly, the rejection of Claim 20 should be withdrawn for at least the same rationale as the response to the rejection of Claim 13.

9. Rejection of Independent Claim 21 under 35 USC 103(a)

Claim 21 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross in further view of Anick and in further view of Van Vleet.

Claim 21 recites a method of incrementally refining queries and updating query results without requiring a user to provide an explicit indicator of query submission, comprising (1) "*providing a user with replacement alternatives as the user enters query defining characters*", (2) "*detecting entry of a completed query defining word by the user, the detecting based on a predetermined time delay following the query defining characters before additional characters are entered by the user*", (3) "*providing the user with a query result list each time a query defining word is detected without requiring the user to provide the explicit indicator of query submission*", (4) "*providing the user with query refinement options related to the query defining word without requiring the user to provide the explicit indicator of query submission, wherein the query refinement options include a broadening suggestion, wherein at least one of the query refinement options does not begin with the query defining word*", (5) "*determining the user selected a provided query refinement option*", (6) "*providing the user with an updated query result list, responsive to the determining the user selected a provided query refinement option*", and (7) "*providing a visual indicator to the user each time the updated query result list is provided to the user*".

Claim 21 recites, *inter alia*, "*detecting entry of a completed query defining word by the user, the detecting based on a predetermined time delay*

following the query defining characters before additional characters are entered by the user; providing the user with a query result list each time a query defining word is detected".

The providing the user with a query result list is thus predicated upon the query defining word being detected. The detection of the query defining word includes detection of a predetermined time delay. Therefore, the predetermined time delay must occur prior to the detecting entry of a completed query defining word.

Gross fails to teach or suggest at least the above features of Claim 21. Because the deficiencies from Gross discussed above are not cured by the addition of any of the cited references, the references fail to teach or suggest each of the elements of Independent Claim 21. Accordingly, the rejection of Claim 21 should be withdrawn.

Claims 23 and 35 depend from Claim 21, and are allowable at least by virtue of this dependency. Accordingly, the rejection of these claims should also be withdrawn.

10. Rejection of Independent Claim 24 under 35 USC 103(a)

Claim 24 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross in further view of Anick and in further view of Van Vleet. In rejection Claim 24, the Office Action states in full, "Claim 24 is rejected based on the same rationale as Claim 21". Office Action, page 14. Accordingly, the rejection of Claim 24 should be withdrawn for at least the same rationale as the response to the rejection of Claim 21.

11. Rejection of Independent Claim 25 under 35 USC 103(a)

Claim 25 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross in further view of Anick and in further view of Van Vleet.

Claim 25 recites, in a computer system including a display, a user input facility, and an application for presenting a user interface on the display, a user interface that updates query results without requiring a user to provide an explicit indicator of query submission comprising: (1) "*a query entry text box for entering query defining characters*", (2) "*a query refinement option list including at least one user selectable query refinement option that is incrementally updated as a query is entered into the query entry text box without requiring the user to provide the explicit indicator of query submission, wherein the incremental updating of the query refinement option list is based on a predetermined time delay following the entry of query defining characters before additional characters are entered by the user, wherein the user selectable query refinement option includes a broadening suggestion, and wherein the at least one query refinement option begins with characters other than the query defining characters*", (3) "*a query result list that is incrementally updated as a query is entered into the query entry text box without requiring the user to provide the explicit indicator of query submission*", and (4) "*a visual indicator that indicates when the query result list is updated*".

Claim 25 recites, *inter alia*, that "*a query refinement option list ... is incrementally updated as a query is entered into the query entry text box ..., wherein the incremental updating of the query refinement option list is based*

on a predetermined time delay following the entry of query defining characters before additional characters are entered by the user". The updating of the query refinement option list is based upon the predetermined time delay being detected. Therefore, the predetermined time delay must occur prior to basing the updating of the query refinement option list.

As discussed above, the cited references, alone or in combination, fail to teach or suggest at least this feature of Claim 25. Accordingly, the rejection of Claim 25 should be withdrawn.

Claims 27-29 and 36 depend from Claim 25, and are allowable at least by virtue of this dependency. Accordingly, the rejection of these claims should also be withdrawn.

12. Rejection of Independent Claim 30 under 35 USC 103(a)

Claim 30 stands rejected under 35 USC 103(a) as being unpatentable over Ortega in view of Gross in further view of Anick and in further view of Valk.

Claim 30 recites a system for incrementally refining queries and updating query results without requiring a user to provide an explicit indicator of query submission, comprising: (1) "*a user input device enabling input of query defining text characters*", (2) "*a display*", (3) "*a data content that is searchable*", (4) "*a network connection for accessing at least a portion of the data content*", (5) "*a memory in which machine instructions are stored*", and (6) "*a processor that is coupled to the user input device, to the display, to the data content, to the network connection, and to the memory, the processor executing the machine instructions to carry out a plurality of functions*", the plurality of

functions including: (6a) "*defining one or more query related character patterns that do not include an explicit indicator of query submission, wherein at least one of the one or more query related character patterns is a string of characters followed by a predetermined time delay before additional characters are entered*", (6b) "*monitoring entry of query defining characters by a user to detect entry of a defined query related character pattern*", (6c) "*searching the data content and providing the user with an updated query result when a defined query related character pattern is detected without requiring the user to provide the explicit indicator of query submission*", (6d) "*providing the user with query refinement options related to the detected defined query related character pattern without requiring the user to provide the explicit indicator of query submission, wherein at least one of the query replacement options include a broadening suggestion, and wherein the broadening suggestion begins with a character pattern that is different from the query related character pattern*", and (6e) "*changing the defined query related character patterns in response to a change in a connection speed at the network connection, the query related character patterns are defined to occur more frequently as the connection speed increases*".

Claim 30 recites, *inter alia*, that a "*query related character pattern[] is a string of characters followed by a predetermined time delay before additional characters are entered*" and "*providing the user with query refinement options related to the detected defined query related character pattern*". The providing the user with query refinement options is thus predicated upon the query related character pattern being detected. The detection of the query related

character pattern includes detection of a predefined time delay. Therefore, the detection of a predetermined time delay must occur prior to the determination that the characters entered are a query related character pattern.

As discussed above, the cited references, alone or in combination, fail to teach or suggest at least this feature of Claim 30. Accordingly, the rejection of Claim 30 should be withdrawn.

Claims 31-32 and 37 depend from Claim 30, and are allowable at least by virtue of this dependency. Accordingly, the rejection of these claims should also be withdrawn.

13. CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: June 30, 2009

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